

APPROVED: MEETING NO. 37-80

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 35-80

September 8, 1980

The Mayor and Council of Rockville, Maryland, convened in executive session on Monday, September 8, 1980, in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 6:00 p.m. to discuss property disposition.

There being no further business to come before the Council in Executive Session, the meeting was adjourned at 7:45 p.m.

September 9, 1980

The Mayor and Council of Rockville, Maryland, convened in executive session on Tuesday, September 9, 1980, in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 7:45 p.m. to discuss property disposition.

There being no further business to come before the Council in Executive Session, the meeting was adjourned at 10:30 p.m.

September 15, 1980

The Mayor and Council of Rockville, Maryland convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, September 15, 1980, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen M. Heneghan; City Attorney Roger Titus; Director of Planning James M. Davis; Director of Finance John Lawton; Director of Budget Anna Lee Berman; Public Information Officer Sue M. Patterson; Director of Community Development and Housing Assistance Doug Horne; Director of Recreation and Parks Ronald Olson.

Re: City Manager's Report

Mr. Blick reported the following:

1. Most of the structural steel for the B&O Bridge, which will span the First Street Extension Roadway, is in place. About October 1, the contractor will be rerouting the railroad tracks in their original alignment over the new

bridge. The project is in keeping with the schedule which was set about four months ago. This project will in no way delay the scheduled opening of the Rockville Metro line.

2. The west abutment for the new Edmonston Bridge is complete. The middle support and east abutment are 75 percent complete. The bridge should be completed within the scheduled one-year timetable. The bridge was taken out of service the first week of February 1980.

3. Sometime this week, the contractor expects to lay the asphalt topping on all four lanes of the new Park Road, which is being constructed from Hungerford to Horners Lane.

4. On September 13, Heritage Park and Heritage Place were dedicated. This project of 165 Section 8 units stands on the site of the old Rockville Gardens. Those attending the dedication commented on the high quality of the development, the excellent way that the buildings are situated on the site, and the amount of open space which remains within the site for recreation purposes. Councilmembers Freeland and Abrams attended the dedication.

5. A reminder that at 8:00 p.m. on Thursday, September 18, the City will conduct an orientation for new residents.

6. Introduced the City's new Community Technology Initiatives Program (CTIP) Technology Agent, Matt Shaw. Mr. Shaw is Special Assistant to the Associate Director of Research, Space and Communication Technology, at the Naval Research Laboratory in Washington, D.C. Mr. Shaw will serve Rockville and four other cities during the next year, and his salary will be paid by the Naval Research Laboratory. The CTIP program is funded by the National Science Foundation.

Re: Appointments

Mayor Hanna made the following appointments: Douglas Duncan - one-year term as Chairman of the Human Rights Commission; reappointed Anthony Kanz, Herbert Pennock and Martin Reiss to two-year terms on the Traffic and Transportation Commission.

The appointments were confirmed by the Council.

Re: Award of Contract: Bid No. 59-80,
Root control chemicals

Bids were recently opened for chemical root control to be used in approximately 5 miles of Rockville sewer lines. The bids were requested for

the treatment of different diameters of sewer lines (6", 8", 10" and 12") and a price per-linear-foot was requested.

This is the first time a contract for root control has been requested in Rockville. The objective of the contract is to control root growth in certain older areas or in undeveloped largely wooded areas. It's a new technology that promises to reduce stoppages and maintenance costs.

Based on the bidding experience of other agencies (Montgomery County and the cities of Poolesville, Maryland and Fairfax, Virginia) the staff had expected to receive bids with a different price per-linear-foot depending on the diameter of pipe. However, one bidder bid the same unit price per foot for each of the four diameters of sewer pipe.

Therefore, it is not possible to determine a low bidder.

Staff requests that the Mayor and Council reject all bids. The staff will readvertise for bids and will give specific lengths of each of the diameters of pipe so that the bids can be readily compared.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 59-80 was rejected.

Re: Award of Contract: Bid No. 8-81,
Salt

Bids were opened in the Council Chambers, City Hall, at 3:00 p.m., on August 19, 1980 for salt.

The bids were as follows:	<u>Per Ton</u>	<u>For 500 Tons</u>
Diamond Crystal Salt Co., St. Clair, Mich.	\$27.04	\$13,520.00
International Salt Co., Clark's Summit, PA	28.40	14,200.00
Cargill Salt Co., White Marsh, Md	28.45	14,225.00
Morton Salt Co., Chicago, Ill	29.72	14,860.00

This salt will be used on the streets for snow and ice control.

An additional 1,200 tons may be purchased, if needed, at the same price per ton.

The staff recommends an award to Diamond Crystal Salt Co., for \$13,520 with permission to buy an additional 1,200 tons, if necessary.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 8-81 was awarded to the Diamond Crystal Salt Company in the amount of \$27.04 per ton and granted permission to staff to buy an additional 1,200 tons if necessary.

Re: Approval of water meters for
Montrose Office Park

The Licenses & Inspections Division has received a check for \$11,000.00 from Glen Construction Company for the purchase of two water meters to use at the Montrose Project at 3198-3206 Monroe Street. The City purchases water meters for developers in order to control the type, quality, and size of each meter that is installed in any City construction.

These meters can be purchased through the Fairfax County Water Authority's bid for \$10,850.00. The extra \$150.00 is the tap fee. The Fairfax County Water Authority has historically been one of the larger water meter purchasers in the COG area. On their June 4, 1980 bid they estimated an expenditure of more than \$460,000 for various sizes of water meters. On the 8" fire meter (FMCT) there was only one bidder.

Hersey Meter Company is the only American manufacturer of these extremely large meters. The other manufacturers who responded to the Fairfax County bid for smaller meters (5/8" to 6") were:

Badger Meter Company, Milwaukee, Wisconsin
Ken Meter Company, Ocala, Florida
Neptune Meter Company, Glen Rock, New Jersey
Rockwell International Corporation, Pittsburgh, Pennsylvania

The staff recommends an award to Hersey Meter Company (Fairfax's low bidder) for \$10,850.00.

On motion of Councilman Freeland, duly seconded and unanimously passed, staff was authorized to purchase the water meters for Montrose Office Park project from the Hersey Meter Company in the amount of \$10,850.

Re: Preliminary Review: Text Amendment
Application, T-39-80, G. Brugger for
Seven Locks Associates, Applicant

The subject text amendment has been submitted for preliminary review by the Mayor and Council. The amendment would permit a free-standing identification sign for shopping centers in the C-1, Local Commercial Zone, in the manner suggested by the staff in the recent Sign Report. The staff has no objection to the acceptance of this application, but suggests that formal review may be delayed pending discussion of the Sign Report in November.

Councilman Tyner moved, duly seconded and unanimously passed that the text amendment be tabled until final receipt of the Sign Report considerations.

Re: Adoption of Resolution: To Deny Text
Amendment Application, T-29-80,
Gary L. Strausser, Applicant

Resolution No. 22-80

On motion of Councilman Freeland, duly seconded and unanimously passed, Resolution No. 22-80, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, denying Text Amendment Application, T-29-80, was adopted by the Mayor and Council.

Re: Approval of waiver request for on-
site storm water management,
U-129-79, 270 Industrial Park,
Lot 2A, Block A

This 5.0 acre parcel of I-3 Zone is located on Piccard Drive on a divide between two tributaries of Watts Branch.

The applicant has, after two reviews by the Committee, provided plans which maximize on-site detention through the use of a shallow, landscaped pond fronting Piccard Drive and a larger pond adjacent to I-270.

He has requested a 9 percent waiver of storage requirements in the front pond. This pond could be constructed to provide the required detention by using very steep sides; however, this would make it difficult to stabilize, landscape and to maintain and may result in an eyesore. The additional storage could also be provided in chambers underneath the parking lots. This method is not only more expensive but its lasting effectiveness is questionable. Storm water runoff exceeding that allowable by the City would be conveyed by pipe to the tributary of Watts Branch where the CIP project E-3, Carnation Drive Dry Pond is proposed. The City is also working with the developers of Lot 9, just above the proposed Gude Drive, for small regional SWM dry pond.

A 100 percent on-site storm water detention system is being bonded, pending the outcome of this request, so that they could proceed with grading.

The Committee recommends that the Mayor and Council grant the subject partial waiver and accept a contribution of \$2,532 (.09 x 5.4 gross acres @ 5200) toward off-site public SWM facilities. This action is subject to a conformable waiver by the Montgomery Soil Conservation District.

Councilman Tyner asked if this would be constructed far enough to the north so that it would not interfere with the construction of Gude Drive. He was assured by the City Manager there would be no interference.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Mayor and Council granted the partial waiver and accepted a contribution in the amount of \$2,532.

Re: Approval of proposed Declaration
of Covenants dealing with signs
for Design Collection Homes, Inc.
(Montgomery College Urban Renewal
Site)

The City entered into a contract on August 15, 1979 with Design Collection Homes, Inc. for the sale of certain land in the Montgomery College Urban Renewal project area. There was a special provision in the contract of sale concerning signs. The reason for including the covenant was the Mayor and Council's concern that there be a desirable appearance of the project. The form of a covenant is submitted to the Mayor and Council tonight for their approval. Since this is a townhouse project, the Council discussed the desirability of allowing each of the tenant members to have a sign or limiting each townhouse office to one sign for all the occupants. Councilwoman Fordham moved to amend the agreement so that it would read "limited to one sign per unit". The amendment passed with Councilmembers Abrams and Freeland voting nay.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the covenant as amended was approved by the Mayor and Council.

Re: Extension of contract for sale of
land at Red Gate with Mitchell and
Best.

On December 17, 1979, the Mayor and Council approved a contract for the sale of Lot 1, Block A, within the Red Gate Industrial Park to Robert L. Mitchell and Louis A. Best. Settlement was, according to the terms of the contract, to be held by September 19, 1980. The buyers, however, have requested an amendment to the I-4 zone which is presently under consideration.

During the design stage of the office building Mitchell and Best propose to construct in Red Gate, a problem in the interpretation of the height requirement for the I-4 zone was discovered. The Planning Commission has recommended approval of a text amendment that would simplify those portions of the zoning ordinance pertaining to height in the I-4 zone.

It is, therefore, recommended that the Mayor and Council extend the settlement time of the Mitchell and Best contract until December 1, 1980.

This extension should not only allow the height problem to be resolved but also provide the buyers with adequate time to obtain financing, apply for a building permit, and be prepared for settlement.

On motion of Councilman Freeland, duly seconded and unanimously passed, the settlement time was extended until December 1, 1980.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Dennis Keene. Mr. Keene, a member of the Civic Improvement Advisory Commission told the Mayor and Council of the Commission's concern with litter control in the City. As a result they have inaugurated a pilot program at a cost of \$279.37 and purchased 5,000 litter bags to be distributed throughout the City. The bags were presented to the Mayor and Council. Mayor Hanna thanked Mr. Keene for the CIAC's interest in the improvement of the City.

2. George Brugger, Attorney. Mr. Brugger told the Mayor and Council that he is here this evening representing the merchants of Seven Locks Plaza and filed a text amendment that was item number 6 on agenda which the Mayor and Council tabled. He explained the difficulties that merchants in that area have had because of lack of signage. He asked that the Mayor and Council reconsider their position since the merchants have been waiting two and a half years for improved signage. The text amendment as filed complies with that recommended in the Sign Report the Council will be reviewing. Councilman Tyner said his reason for tabling the amendment was his aversion to raising false hopes for the merchants who have waited so long for signs. Mayor Hanna said Mr. Brugger had raised good points and he recommended to the Council that they proceed with the text amendment. He explained to Mr. Brugger the process involved in a text amendment and said although the process would be moving there was no guarantee that it would come out the way he wished. Mr. Brugger told the Council he understands that.

On motion of Councilman Abrams, duly seconded and unanimously passed, the preliminary review of the text amendment was removed from the table.

On motion of Councilman Abrams, duly seconded and unanimously passed, Text Amendment Application, T-39-80, was referred to the Planning Commission for further study and review.

3. Jean Brady, Chairman of the Senior Citizens Commission. Mrs. Brady spoke to the Council concerning Item Number 19 on the agenda. She said the seniors strongly approved CDBG funding for a study for a senior citizens center. The Mayor and Council thanked Mrs. Brady for her appearance.

4. Thomas Anderson, Esquire. Mr. Anderson said he is speaking for Judge Anderson and Dr. Linthicum, both of whom are included in Item Number 16 on the agenda this evening. He spoke of the property's rezoning in the recent comprehensive rezoning of the Town Center and the first knowledge that either person had of it was on their tax bill showing a two and a half times increase. Because of the rezoning neither person is eligible for the 15 percent tax credit given to elderly property owners. He asked the Council to look favorably on their request.

5. Judge Anderson. Judge Anderson said in 78 years he has lived in Rockville this is the first time he has asked for relief from the Council but it has been a bad year with nursing and hospital costs and he would request some relief.

6. Dr. Linthicum. Dr. Linthicum said he did not request a rezoning and he would like to save the money that will be eaten up in taxation.

Mayor Hanna thanked the gentlemen for coming and said this will be considered in a short while.

7. Florence Ulrick, 718 Princeton Place. Mrs. Ulrick said she lives near the college on a cul-de-sac that is used a cut through to the college and the City's Parks Department has defaced the trees at the end of the street to deter youths drinking beer at the dead end. She suggested that instead of defacing the trees that lights be added or there be an increase in police patrol. Mayor Hanna asked the City Manager to look into the area to see what should be done.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Approval of waiver of filing fees for
Map Amendment applications for the
properties at 110 S. Washington St.,
and 39 W. Montgomery Avenue

Mayor Hanna suggested since there was a defect in the notification process, that the Mayor and Council simply void that portion of action on the basis of a technical defect. Mr. Titus cautioned against this action. Councilwoman Fordham moved, duly seconded that the filing fees be waived as requested. Mayor Hanna suggested that instead of that the Mayor and Council initiate the applications

so that no precedent will be set in waiving these fees. He suggested the City Attorney prepare the language and set it on the Mayor and Council's agenda. Councilwoman Fordham withdrew her previous motion as did Councilman Freeland. It was the consensus of the Council that the applications be filed in the name of the Mayor and Council.

Re: Public Hearing: Map Amendment Application, M-23-80, Fordham Development Corp., Applicant, requesting that the property on the southwest corner of Rockville Pike at Richard Montgomery Drive (Firemen's Carnival Grounds) be rezoned from the present O-1 (Office) to C-2 (General Commercial) zone.

The Mayor and Council conducted a public hearing on Map Amendment Application M-23-80, Fordham Development Corp., Applicant, and agreed at the request of the applicant to postpone the hearing for 90 days.

Re: Public Hearing: Street Closing and Abandonment Application, SCA-24-80, requesting that Pasteur Court be abandoned, Montgomery Board of Realtors and Solar Building Associates, Applicants.

The Mayor and Council conducted a public hearing on Street Closing and Abandonment Application, SCA-24-80, Montgomery Board of Realtors and Solar Building Associates, Applicants, and heard those persons as will be found in the stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing be closed with the record to be held open for two weeks.

Re: Decision and Instructions to staff re SCA-25-80, Baltimore Road abandonment, WMATA, applicants

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant the abandonment application.

Re: Decision and Instructions to staff re T-37-80, Amendment to the Zoning and Planning Ordinance to make changes to the subdivision regulations

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to authorize the text amendment.

Re: Approval of parking controls on
Monroe Street at Americana and
Town Center Apartments

The absence of parking regulations is causing problems on Monroe Street from Jefferson to Hungerford. There is no restricted parking at any times. There is a need to reserve curb side access at the ride-on bus stop and the excessive encroachment that has been occurring at corners, drive-ways and fire hydrants is a problem. The proposed restrictions will prohibit parking at a selected 160 feet of curb side or equivalently 8 parking spaces. The removal of these spaces should impose no adverse impact on the neighborhood. Councilman Tyner asked if there was any opinion or recommendation from the residents of the Town Center Apartments. Mr. Blick said he has not discussed it with them. Councilman Tyner cautioned against making a decision without asking the people. Mayor Hanna explained that people are parking illegally and there is nothing optional about this plan. There presently exists a safety hazard due to lack of access to hydrants and driveways. It is to the people's benefit to impose the parking controls. The City Manager said a letter will be sent explaining why it is being done.

On motion of Councilman Tyner, duly seconded and unanimously passed, the parking controls were approved by the Mayor and Council.

Re: Authorization for City Manager to
execute a deed for the conveyance of
property for Brice Road storm water
management facility

This deed conveys fee simple title for the land needed by the City to construct the Brice Road Storm Water Management (SWM) Pond, City CIP Project E-10 - Dawson Farm Dry Pond as shown for construction in FY 81.

The deed contains a covenant which requires granting a public street right-of-way somewhere across the northern portion of the land, connecting to Ritchie Parkway opposite Jefferson Street, for access to a future subdivision process.

Staff recommends the following:

- (a) The City agree to the covenant granting the right-of-way for access to the future development from Ritchie Parkway,
- (b) The City grant the request for reimbursement in the amount of \$33,587.64, subject to review and confirmation of the amount by the legal and property acquisition staff,

- (c) The Mayor and Council authorize the City Manager to execute the deed, and,
- (d) The City Attorney's Office review and record the document among the Montgomery County Land records.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Council approved the staff's recommendations as above.

Re: Approval of Resolution to extend
CDBG cooperative agreement with
Montgomery County.

Resolution No. 23-80

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 23-80, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, extending the cooperative agreement with Montgomery County for CDBG for the next fiscal year was approved by the Mayor and Council.

<u>Proposed Project</u>	<u>Proposed Funding Level</u>
I Single Family Home Rehabilitation Loan and Grant Program	\$300,000
II Urban Renewal Closeout Costs Including Administrative and Debt Service	134,500
III CDBG Administrative Cost	47,500
IV Senior Center Feasibility and Planning Study	17,850
V Kitchen Cabinet Replacement and Kitchen Floor Tile at Rockville Housing Authority	107,000
VI Feasibility Study for Entrepreneur Project in Lincoln Park*	10,000
VII Thermography Equipment and Survey Cost*	20,000
TOTAL	\$636,850

*Staff recommendation

The Council discussed the testimony as suggested by the staff. Councilman Tyner asked the details on the funding on Item No. VII. The City Manager said that the State will be funding between eight and ten thousand, which is approximately 50 percent, and the same amount from the County will take care of the program with no expenditures from City funds. Councilwoman Fordham asked if the service will be free. The City Manager said the use will be a matter of Mayor and Council policy when the funding is granted. At the present time problems exist between State funding due in March and the County funding due after July.

Councilwoman Fordham said she is not pleased to see \$17,850 for a feasibility or planning study. This makes her uncomfortable. Many times the City has talked of a Senior Center, but this is too much for a study. She said she did not know what further information this study could provide since all is known at the present time. Mayor Hanna agreed; he said it was a waste of money and at the same time the study could give way to unreasonable expectations on the part of the seniors. There is no plan at this time for the City to make a major capital investment in the millions of dollars category for a senior citizens center. The study is not a reasonable expenditure of City funds. He said the City has long been interested in Woodley Gardens School for use as a community center of which seniors would be a major part and this is constantly monitored for school board action. Councilman Tyner disagreed; he suggested giving the seniors exclusive use of the Social Hall and partitioning it for their use. The Council was in disagreement with this.

Councilwoman Fordham moved, duly seconded, that the \$17,850 be deleted from the testimony. The motion passed with Councilman Tyner voting nay.

Councilman Tyner asked, regarding Item No. VI, if any discussion had been done with the community. The City Manager said not at this time, but presently the staff is considering a laundromat since the previous laundromat was made into a boat center. There is a need. The Community Development office will work with Community Resources to see what can be done. Councilwoman Fordham said it seems like an excellent idea but she does not see why it would cost \$10,000 for this. There may be a lot of business people in the City as well as the community to give technical assistance. The City Manager said the money would not be spent if it is not needed. That is just there as a contingency. Mayor Hanna suggested that the staff look into other opportunities besides a laundromat. Money could be used for intense community investigation to see if people are available to run, operate and support. He suggested the Small Business Administration would give technical assistance and the United Black Fund can give advice and assistance, but unless the community wants to support and operate it, it cannot succeed. The City Manager suggested the wording of enterprise rather than entrepreneur might be more desirable. Councilwoman Fordham suggested that the testimony provided to the Council be updated to include the Council's sentiments expressed. Council agreed to this.

On motion of Councilman Abrams, duly seconded and unaimously passed, the remaining items were approved by the Council.

Re: Correspondence

The Mayor and Council noted the following items of Correspondence:

1. Chessie System re closing of Frederick Avenue
2. D. Jones, complimenting City program
E. G. Trams, complimenting City program
3. J. W. Clarke, re mandatory deposit legislation
A. P. Dwyer, re mandatory deposit legislation
4. Helen Fisk, re newspaper recycling
D. M. Humphrey, re newspaper recycling
G. T. Ormsby, re newspaper recycling
5. Rodgers and Associates, re T-38-80
6. Alan Meyer, re trash pickup (response included)
7. M. W. Robinson, re trash pickup
8. V. P. Randall, re I-270 interchange
9. Darryl Dixon re help for handicapped
10. Frances Shea, Chairman of HRC, resignation
11. C. D. William, Executive Director, re returnable container legislation petition
12. Senator Lapidés, re triennial assessment
Senator Cushwa, re triennial assessment

Re: Information Items

The Mayor and Council noted the following items of Information:

1. Invitation to Rockville Band Concert
2. Memo re Free Paint Program
Mayor Hanna said the program has been a big success.
3. Letter to Denham Road residents
4. Memo re Falling Trees
Mayor Hanna and Councilwoman Fordham said there is no definitive answer to the problem which prompted this memo.
5. Notice of Civic Federation meeting
6. Notice of S.H.A. studies
7. Memo re England Terrace complaint
8. Copy of response to W.E. Civic Association President re Transportation Plans for the City of Rockville
9. Copies of Historic District Commission correspondence

10. Notice of 2 mile Fun Run
11. Memo on Back hoe award
12. Copy of correspondence to Ward Development from homeowner
13. Copy of Caltrider's letters re I-270
14. Antique Car Show flyers
15. Copy of City response to HUD letter
16. Status report on Community Resources activities
17. Memo re pros and cons of income limits for CDBG loan program
18. Copy of letter to Halpine Church re fence
19. Copy of letter complimenting staff
20. CDHA project report
21. List of streets to be smoothsealed

Re: New Business

1. Councilman Tyner presented to the Council an ordinance for introduction that would amend Chapter 12 of the City Laws to exclude any permit process for a shooting gallery since the idea of any firing range is ill-advised in a City of the size of Rockville. The Council agreed and asked the City Attorney to draw this up in the proper form and place it on the agenda.
2. The City Manager presented the Council with an ordinance granting the text amendment as requested by the Council on item number 15 earlier this evening. On motion of Councilman Abrams, there was introduced upon the table an ordinance granting text amendment application, T-37-80, City of Rockville, Planning Commission, Applicant, said ordinance to lay over at least one week before final action is taken.
3. Mayor Hanna expressed his concern with the inspection of new homes or older homes where the City is responsible for the inspection. He said the City Attorney has always taken the ground that the City is not responsible for errors that occur in the inspection process. He would like to propose to the Council a conscious policy where in those cases that the City has failed to perform and an owner finds himself with code violations or a safety hazard, that the City assume the cost of correction up to a certain, reasonable amount within a certain, reasonable time period. He said he would like to have the staff begin action on this.

Councilman Abrams said whether or not an inspector approves a property, the obligation is still the builders to see that the property is correct.

He said he has a problem with the City indemnifying a building in this way. Mr. Titus said he shared Councilman Abram's reservations. The primary responsibility is the builders. If such a policy is adopted by the Council it would be best undertaken like the sewer back up policy with the discretionary fund for moral obligations. Mayor Hanna said if the inspection process is not working correctly then why does the City not abolish its own inspection and just rely on the builder. Mr. Titus explained that the inspectors are there for the benefit of the public at large, not for any individual. He added that in the case of the purchase of any property it is always best for the purchaser to hire his own inspector. Councilwoman Fordham said she has a problem with the policy suggested by the Mayor.

The City Manager said the idea is rather complicated and he would like an opportunity to come back to the Mayor and Council with a recommendation to make the present system work better. He recommended caution now. The City's inspection program is superior to neighboring communities. Mayor Hanna agreed to await the City Manager's report. He said he does see that there are hazards connected with the policy but he does feel there should be some relief.

4. Mayor Hanna said he attended a recent opening of the MCI Company and the builder, Mr. Furman, asked the Mayor to formally thank and congratulate the Licenses and Inspection Department for the extreme cooperation around the clock extended to the builder during his construction of the facility. He said that Rockville was the only jurisdiction between here and South America which he had worked that he could operate that way.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 31-80, August 4, 1980, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 32-80, August 11, 1980, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 33-80, August 18, 1980, were approved as written.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 34-80, August 25, 1980, were approved as amended.

Re: Executive Session

There being no further business to come before the Mayor and Council in general session, the meeting was closed for executive session to discuss

property acquisition. There being no further business to come before the Council in Executive Session, the meeting was adjourned at 11:30 p.m., to convene again in Executive Session on Thursday, September 18, 1980, at 7:00 p.m. or at the call of the Mayor.

Re: Executive Session

The Mayor and Council convened in Executive Session on Thursday, September 18, 1980, at 7:00 p.m., to discuss property disposition. There being no further business to come before the Council in Executive Session, the meeting was adjourned at 8:00 p.m., to convene again in general session on Monday, September 29, 1980, at 8:00 p.m. or at the call of the Mayor.